

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

CALIFORNIA RIDGE WIND ENERGY LLC, and )  
INVENERGY WIND LLC, )  
Plaintiffs, )  
v. ) No. 1:14cv250-RHH  
THE UNITED STATES OF AMERICA, ) Senior Judge Hodges  
Defendant. )  
\_\_\_\_\_  
)

BISHOP HILL ENERGY LLC, and )  
INVENERGY WIND LLC, )  
Plaintiffs, )  
v. ) No. 1:14cv250-RHH  
THE UNITED STATES OF AMERICA, ) Senior Judge Hodges  
Defendant. )  
\_\_\_\_\_  
)

**NOTICE OF INDIRECTLY RELATED CASES**

Plaintiffs California Ridge Wind Energy LLC (“California Ridge”) and Bishop Hill Energy LLC (“Bishop Hill”), through counsel and pursuant to RCFC 40.2(b)(3), submit this notice that the following cases qualify for treatment as indirectly related cases under RCFC 40.2(b)(2):

- *Gratiot County Wind LLC v. United States*, No. 18-1261-EJD (filed August 22, 2018)
- *Invenergy Illinois Solar I LLC v. United States*, No. 18-1351-EDK (filed September 4, 2018)

The above-listed cases qualify as indirectly related cases because they present common issues of fact and their consolidation for purposes of discovery can be expected significantly to promote the efficient administration of justice. *See* RCFC 40.2(b)(2). The plaintiffs in the newly filed cases, Gratiot County Wind LLC (“Gratiot”) and Invenergy Illinois Solar I LLC (“Illinois Solar”), were at all relevant times part of a large group of renewable energy companies that, through various intermediate entities, shared the same parent company, Invenergy Investment Company LLC (“Invenergy”),<sup>1</sup> with California Ridge and Bishop Hill. All four companies applied for grants from the Department of the Treasury (“Treasury”) under Section 1603 of the American Recovery and Reinvestment Tax Act of 2009 (“Section 1603”) and received grants in amount less than they applied for. The same individuals affiliated with Invenergy were involved in the submission of all four grant applications, and the same individuals at Treasury were involved in the review and approval of all four grant awards. Upon information and belief, the purported grounds on which Treasury awarded the reduced grant amounts were the same in all four cases. Additionally, during post-award discussions between Invenergy and Treasury, all four grant awards were discussed in tandem.

The parties conducted extensive discovery in the *California Ridge* and *Bishop Hill* cases over a period of four years, including the production of tens of thousands of documents and numerous depositions of Invenergy and Treasury witnesses. Much of that discovery is equally applicable to the *Gratiot* and *Illinois Solar* cases. Documents relevant to all four cases were produced during discovery in *California Ridge* and *Bishop Hill*, and witnesses testified about information relevant to all four cases during depositions. For that reason, the Court ordered that

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<sup>1</sup> The organizational chart of Invenergy includes hundreds of entities, each of which has a specific business purpose relating to the development, financing, ownership, and operation of the many renewable energy projects with which Invenergy has been involved.

information produced during discovery in *California Ridge* and *Bishop Hill* could be used in either case. *See* ECF No. 33 in Case No. 14-250; ECF No. 35 in Case No. 14-251. A similar order in the *Gratiot* and *Illinois Solar* cases would significantly promote the efficient administration of justice, since it would avoid a substantial amount of time-consuming and expensive discovery. Additionally, Plaintiffs believe the Court's decisions in *California Ridge* and *Bishop Hill* are likely to inform the disposition of *Gratiot* and *Illinois Solar*, and thus believe any discovery schedule in the latter cases should be determined accordingly.

Dated: September 11, 2018

Respectfully Submitted,

/s/John C. Hayes Jr.\_\_\_\_\_

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